

Notice of Allowability

Application No.

09/045,518

Examiner

James W. Myhre

Applicant(s)

VAN LUCHENE, ANDREW S.

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on July 14, 2005.
2. ☒ The allowed claim(s) is/are 25-31.
3. ☒ The drawings filed on 20 March 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/12/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on July, 14, 2005 is sufficient to overcome the arguments in the June 14, 2005 Request for Reconsideration and Rehearing by canceling Claims 16-24. The currently pending claims considered below are Claims 25-31.

Information Disclosure Statement

2. A signed copy of the Information Disclosure Statement (IDS) filed on October 11, 2002 is attached. The Examiner notes that both references listed on the IDS were duplicate submission of documents previously presented in the application prosecution. The Examiner's Affidavit was provided to the Applicant in support of an Official Notice in the Office Action of February 13, 2001, and the Fiorini article was provided by the Applicant as item HHH on the IDS filed on April 30, 1999.

Allowable Subject Matter

3. Claims 25-31 are allowed.

Examiner's Statement of Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Prior art was found which disclosed scanning in one or more items received from a customer, determining the purchase price for the item(s), determining a rounding multiple based on a rounding code, rounding the purchase price based on the rounding multiple; and receiving payment of the rounded price from the customer in exchange for the one or more items (See Eleftheriou, US 5,869,826; Fiorini, "No Place For a Penny"; and Perseil, FR95 07,963). However, prior art was not found which also disclosed that the rounding code was based on an item which was not included in the one or more items presented for purchase as in independent Claims 25-31 as discussed by the BPAI Decision. Therefore, in line with the BPAI Decision the Examiner considers non-obvious novelty of the invention to be receiving the rounding code (and multiple) from an item not part of the purchase.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached Monday through Thursday from 5:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (571) 272-6724. The fax phone number for Formal or Official faxes to Technology Center 3600 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.


JWM
July 25, 2005


James W. Myhre
Primary Examiner
Art Unit 3622